

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 05-80810

HON. LAWRENCE P. ZATKOFF

v.

MICHAEL CLARK,

Defendant.

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**OPINION AND ORDER**

AT A SESSION of said Court, held in the United States Courthouse,  
in the City of Port Huron, State of Michigan, on July 18, 2006

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

**I. INTRODUCTION**

Defendant Michael Clark is the lead defendant in a 15-defendant and 45-count drug conspiracy. Currently before the Court is Defendant's Motion for Review of Magistrate's Pre-Trial Detention Order (Docket #161). The Court permitted the parties to present oral arguments on the motion on July 10, 2006 and took the motion under advisement. For the following reasons, Defendant's Motion is DENIED.

**II. BACKGROUND**

On September 8, 2005, Defendant Michael Clark was indicted by a grand jury on one Count of Conspiracy to Possess with Intent to Distribute and to Distribute 1000 kilograms of Marijuana

and one Count of Conspiracy to Possess with Intent to Distribute 5 kilograms or more of cocaine. Defendant was also charged with one count of a Continuing Criminal Enterprise, one Count of Conspiracy to Launder Monetary Instruments, and one Count of Laundering Monetary Instruments. Defendant is also charged with eight counts of Unlawful Use of a Communication Facility, two counts of Felon in Possession of a Firearm, and two counts of Criminal Forfeiture.

On October 17, 2005, following a detention hearing, U.S. Magistrate Judge Mona Majzoub ordered detention of Defendant pending trial. Magistrate Majzoub's detention order was based on her findings that Defendant presented a serious flight risk and presented a serious risk to the safety of the community.

### **III. LEGAL STANDARD**

The review of a detention order is governed by 18 U.S.C. § 3145, which states:

If a person is ordered detained by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

### **IV. ANALYSIS**

Defendant requests a detention hearing pursuant to 18 U.S.C. § 3142(f). As discussed above, however, Magistrate Majzoub conducted a detention hearing on October 17, 2005. Defendant is not entitled to an additional hearing. Instead, pursuant to 18 U.S.C. § 3145, Defendant is entitled to file a motion for revocation or amendment of the detention order, and this Court is required to promptly determine such a motion. The Court has reviewed the Magistrate's detention order, Defendant's

Motion for Review, the various affidavits submitted by Defendant, and the Pre-Trial Services Report. Additionally, the Court conducted oral arguments on Defendant's Motion. After a full review of Defendant's detention, the Court finds that Defendant remains a flight risk as well as a risk to the community and that Magistrate Majzoub properly ordered detention of Defendant in this case. Accordingly, Defendant's Motion for Review of Magistrate's Pre-Trial Detention Order should be denied.

### **V. CONCLUSION**

For the above reasons, the Court HEREBY DENIES Defendant Michael Clark's Motion for Review of Magistrate's Pre-Trial Detention Order (Docket #161).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: July 18, 2006

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 18, 2006.

s/Marie E. Verlinde

Case Manager

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